

REMARKS

The Examiner has rejected Claims 1 and 3-7 under 35 USC 102(e), as anticipated by Stjernshantz et al (US Patent No. 5,422,369.) In particular, the Examiner refers to Examples 15 and 16 and the Abstract to support her rejection of the pending claims for lack of novelty. However, a careful reading of the cited sections will show that there is no disclosure of one of the limitations of the pending claims. That is, in all of the claims the variable R is limited to a **substituted** heterocyclic radical. The reference, as cited, does not disclose this limitation per se. Also, in each example of the compounds disclosed for use in the method of treating glaucoma or ocular hypertension disclosed in the reference the relevant heterocyclic substituent is **unsubstituted**. (See, for example, Examples 15 and 16, as cited by the Examiner, wherein the relevant group is an **unsubstituted** thienyl.) This may be contrasted with the phenyl group, which the patentees show as equivalent to their aromatic heterocyclic group, wherein, in the examples, the phenyl is clearly disclosed as substituted with methoxy, butyl, trifluoromethyl, methyl or fluoro. (See Column 4, lines 19-51.)

Any disclosure that regards substituted aromatic heterocyclic groups must be regarded as speculative, as there is no per se disclosure of substituted heterocyclics nor any examples of such.


The Examiner has also stated that "the use of a pharmaceutical composition in a container is the inherent property of such composition. This comment is believed to be directed at claim 3 only, since this is the only claim having the limitation that the pharmaceutical composition utilized in the method of the invention is in a container for metered dosing. However, this claim is dependent on claim 1 and like all of the other claims has the above-discussed limitation that R is a substituted heterocyclic radical. Therefore, this claim is patentable for the same reasons as discussed above.

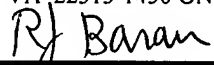
The Examiner is requested to withdraw her rejection and pass the claims to issue.

Please use Deposit Account 01-0885 for fees related to this submission.

Respectfully submitted,

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